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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifth session

SUMMARY RECORD OF THE 49TH MEETING IN 1990

Held at the Palais des Nations, Geneva,
on Thursday, 13 December 1990, at 10 a.m.

Chairman: Mr. KOUZNETSOV

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Report of the Committee to the Economic and Social Council

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Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.90-18877/2713B

The meeting was called to order at 10.45 a.m.

CONSIDERATION OF REPORTS (agenda item 7)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Dominican Republic (E/1990/5/Add.4) (continued)

1. At the invitation of the Chairman, Mr. Suazo (Dominican Republic) took a place at the Committee table.

2. Mr. SUAZO (Dominican Republic) thanked the Committee for giving him the opportunity to explain his delegation's recent statement to the Committee which, for reasons beyond its control, had had to be submitted in writing.

3. His Government had taken very seriously the comments made by members of the Committee on its report and their supplementary questions. Hence, it would have liked to have enough time to give satisfactory replies. It was true that his Government had had sufficient time to respond to the list of 58 questions put by the pre-sessional working group. However, it was also true that his Government had prepared its replies to the Committee in good faith, trying to show that economic, social and cultural rights were protected by law and in practice. His Government's goodwill was demonstrated by the changes that were being made in some of its laws, including the Labour Code.

4. His Government had not wished to cast doubt on the expertise of the members of the Committee or to insult their intelligence by painting a rosy picture of human rights in its country. For instance, excesses and errors might have been committed in the past with regard to the difficult Haitian problem, which was, however, so large and complex that it could not be explained in a few pages or even in many words. In that connection, his Government was reformulating, with a view to making available to the Committee, documents that it had recently submitted in Washington in response to the allegations of the Americas Watch Association which had been mentioned by some members of the Committee.

5. The Haitian problem could not be explained out of context. It affected not only the hundreds of transient workers in the sugar-cane industry but also the more than 1 million persons illegally residing on Dominican territory and the steady flow of persons who daily crossed the border between poverty on one side and abject poverty on the other. Unscrupulous Dominican citizens tried to derive sordid profit from that situation. His Government wished to state that violating the rights of aliens was not State policy, that Haitian migrants were welcomed for humanitarian reasons, and that resources were mobilized to resettle and register migrants, and to regularize their legal position so that their rights could be protected by the machinery of the State. Unfortunately, the problem was of such magnitude and was increasing so rapidly that it outstripped all the means available to solve it.

6. With respect to the eviction of Dominican families, his Government would produce proof that due compensation had been provided to those evicted and of the humanitarian reasons that had motivated eviction from insalubrious hovels to appropriate housing.

7. He exlained that his Government had sent its letter to the Committee in English believing it to be the lingua franca of the Committee and in the hope that the provision of an English text would avoid delay in the discussions pending translation of the letter from Spanish to the other working languages. However, the fact was that submitting the letter in English had been counterproductive. It had not been his Government's intention to call into question either the competence or the independence of the experts, of which it had no doubt, and to take for granted. On the basis of that assumption, it had requested the opportunity to engage in a fruitful exchange with the experts. On other occasions in other forums the human rights situation in the Dominican Republic, especially the Haitian problem, had quite rightly given rise to concern on the part of experts entrusted with monitoring respect for those rights. That situation had also caused unnecessary and sterile debates with Government representatives. His Government had wished to prevent such discussions, in view of the fact that uncomplimentary epithets such as "slave trader" and "racist" had been used of his country which seriously damaged its tourist trade.

8. The CHAIRMAN thanked the representative of the Dominican Republic for addressing the Committee. The Committee had noted his statement, which contained information that would be useful to it in due course.

9. Mr. Suazo (Dominican Republic) withdrew.

STATEMENT BY MR. DESPOUY, SPECIAL RAPPORTEUR ON HUMAN RIGHTS AND DISABILITY OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

10. Mr. DESPOUY (Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities) said that the human rights bodies of the United Nations were trying to find ways of organizing their work to avoid duplication of effort and obtain full benefit from existing machinery. It was his task to draw up a report on human rights and disability. In that report, he considered both violations of human rights that caused disability and possible violations of human rights to which disabled people were subject. The report contained a definition of disability and proposals for international co-operation. At present minimum legal standards to protect disabled persons were being drawn up by an expert group of the Social Committee set up as a result of a recent decision by the Economic and Social Council. As Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, he had to propose machinery that would provide a degree of continuity in promoting and monitoring those standards.

11. If the standards were adopted within a reasonable period, his report would propose that one way of monitoring their implementation might be through the Committee on Economic, Social and Cultural Rights. That would avoid establishing a new body and since the Committee was a body of the Economic and Social Council it would require no extension of its terms of reference. Moreover, the Committee would be able to monitor the implementation of standards not only in States parties to the Covenant but in all States Members of the United Nations.

READEX FICHE

12. Since his report had to be completed by August 1991 and the Committee would not be meeting before that date, he would keep the Committee informed through the Rapporteur of his thinking on the matter. If it was agreed in principle that the Committee would be responsible for monitoring compliance with the standards, it would have to establish the necessary machinery.

13. He thanked the members of the Committee for giving him the opportunity to address them and looked forward to receiving suggestions from them.

14. The CHAIRMAN thanked Mr. Despouy for addressing the Committee, wished him every success in his work as Special Rapporteur on Human Rights and Disability and suggested that the members of the Committee should convey their views to him in writing.

REPORT OF THE COMMITTEE TO THE ECONOMIC AND SOCIAL COUNCIL (agenda item 10) (E/C.12/1990/CRP.4 and Add.1-4)

15. The CHAIRMAN invited members of the Committee to begin their consideration of the draft report to the Economic and Social Council.

E/C.12/1990/CRP.4

Paragraphs 1-5

16. Paragraphs 1-5 were adopted.

Paragraph 6

17. The CHAIRMAN said that a sentence would be added to the paragraph to indicate that Mr. Alvarez Vita and Mr. Rattray had attended only part of the fifth session.

18. Paragraph 6 was adopted.

Paragraphs 7-13

19. Paragraphs 7-13 were adopted.

Paragraph 14

20. Mr. KONATE queried the wording of agenda item 9, listed in paragraph 14: "General discussion on the rights contained in article 11 of the Covenant".

21. Mr. ALSTON, Rapporteur, pointed out that the Committee had not had time for a general discussion, but that that item had been on its agenda as originally adopted. He could not agree to modify the wording of an agenda item, but would propose instead that a new paragraph, to be numbered 17, should be added to the document. It would read: "For reasons of lack of time, the Committee was unable to take up agenda item 9".

22. Paragraph 14, as amended, was adopted.

Paragraphs 15 and 16

23. Paragraphs 15 and 16 were adopted.

24. Document E/C.12/1990/CRP.4, as amended, was adopted.

E/C.12/1990/CRP.4/Add.1

25. Document E/C.12/1990/CRP.4/Add.1 was adopted.

E/C.12/1990/CRP.4/Add.2

Paragraph 1

26. Paragraph 1 was adopted.

Paragraph 2

27. Mr. ALSTON, Rapporteur, proposed that the following sentence should be added to the end of the paragraph: "At its 10th meeting, held on 3 December 1990, the Committee also agreed, at the request of the Government of Panama, to postpone to its sixth session the consideration of its initial report concerning articles 6 to 9 of the Covenant (E/1984/6/Add.19) and articles 13 to 15 of the Covenant (E/1988/5/Add.9)".

28. Paragraph 2, as amended, was adopted.

Paragraph 3

29. Mr. ALSTON, Rapporteur, proposed the addition of a new sentence, to be inserted at the end of the paragraph, and to read: "The Committee, at its 14th meeting, held on 5 December 1990, having heard the statement of the Permanent Representative of Afghanistan to the United Nations Office at Geneva, decided to postpone to its sixth session consideration of the initial report of Afghanistan concerning articles 1 to 15 of the Covenant".

30. Mr. TEXIER said he endorsed that addition but thought it should be made clear that the Committee had agreed to postpone consideration of the report only because the Government had proposed to submit in 1991 a comprehensive report on articles 1 to 15.

31. Mr. ALSTON, Rapporteur, suggested that the following phrase should be inserted at the end of his proposed addition, to meet the concerns expressed by Mr. Texier: "in the light of the undertaking given by the representative that a global report would be submitted in time for the sixth session".

32. Paragraph 3, as amended, was adopted.

Paragraphs 4 and 5

33. Paragraphs 4 and 5 were adopted.

34. Document E/C.12/1990/CRP.4/Add.2, as amended, was adopted.

E/C.12/1990/CRP.4/Add.3

Paragraphs 1-11

35. Paragraphs 1-11 were adopted.

Paragraph 12

36. Mr. WIMER ZAMBRANO said he would prefer the term "enseñantes", used in the second sentence, to be replaced by "profesores".

37. Paragraph 12 was adopted.

Paragraph 13

38. Paragraph 13 was adopted.

Paragraph 14

39. Mrs. JIMENEZ BUTRAGUEÑO said that the Spanish language version should be revised through the addition, at the beginning of the first sentence, of "En", and the replacement of "tiene" by "existe".

40. It was so decided.

41. Mr. WIMER ZAMBRANO said that in the final sentence, the past tense was inappropriate: he would prefer "eran" to be replaced by "son" and "había" by "hay".

42. Mr. TEXIER said that in French, also, the present tense would be more appropriate.

43. Mr. ALVAREZ VITA said that in order to avoid any misunderstanding in the Spanish text, the second sentence of the paragraph should be drafted in the present tense.

44. Mr. ALSTON, Rapporteur, said, with regard to the English text, that the United Nations had developed a tradition of using the past tense to indicate that the situation being described was not taking place at the present time. He thought that the Committee should follow that tradition.

45. In response to a point raised by Mrs. JIMENEZ BUTRAGUEÑO concerning the final sentence of the paragraph, Mr. ALSTON, Rapporteur, said that the problem might be resolved by replacing the sentence with the following text: "He indicated that as of 1990, most Jordanians were Sunnite Muslims and that there were also Orthodox Christians".

46. After a discussion in which Mr. ALVAREZ VITA and Mr. WIMER ZAMBRANO took part, the CHAIRMAN said he believed the Committee should follow the tradition of the United Nations with regard to the use of the past tense, at least in the English version. The Secretariat had taken note of the points raised concerning the French and Spanish texts.

47. Paragraph 14, as amended, was adopted.

Paragraph 15

48. Mrs. JIMENEZ BUTRAGUEÑO said that there were a number of words in Spanish to describe disabled persons. She thought that it would be more suitable to use the term "minusválidos" rather than "impedidos".

49. Mr. TEXIER said that the last sentence of the paragraph would be clearer if it began with the words "The representative pointed out that ...".

50. After a discussion in which Mr. WIMER ZAMBRANO and Mr. NENEMAN took part, the CHAIRMAN said that the Secretariat would take account of the suggestions made by Mrs. Jimenez Butragueño and Mr. Texier.

51. Paragraph 15 was adopted on that understanding.

Paragraphs 16-18

52. Paragraphs 16-18 were adopted.

Paragraph 19

53. Mr. GLAIEL said that in order to make it clear in the first sentence that education continued to be provided in Arabic the words "The representative said that ..." should be inserted at the beginning of the sentence.

54. Paragraph 19, as amended, was adopted.

Paragraph 20

55. Paragraph 20 was adopted.

Paragraph 21

56. Mrs. JIMENEZ BUTRAGUEÑO, referring to the penultimate sentence of the paragraph, said that the words "good causes" should be replaced by "humanitarian causes".

57. Paragraph 21, as amended, was adopted.

Paragraphs 22-25

58. Paragraphs 22-25 were adopted.

Paragraph 26

59. In response to a point raised by Mrs. JIMENEZ BUTRAGUEÑO, Mr. ALSTON, Rapporteur, proposed the inclusion at the end of the paragraph of a sentence reading: "The experience of retired and elderly persons was taken into account in the preparation of school textbooks".

60. Paragraph 26, as amended, was adopted.

Paragraphs 27-29

61. Paragraphs 27-29 were adopted.

Paragraph 30

62. Mr. ALSTON, Rapporteur, said that he wished to propose the addition of the following text, which was taken directly from the concluding observations provided by Mr. Rattray, for inclusion at the end of the paragraph:

63. "Members noted that significant advances had taken place in the field of education in Jordan since independence and expressed concern at the consequences of the present crisis in the Gulf for the effective realization of economic, social and cultural rights. Although information on the school population was provided in detail, there was no indication of the percentage of children of school age who were currently enrolled. Members noted with satisfaction the efforts being made to integrate Palestinians and refugees within the educational framework in spite of the difficult situation in the occupied territories and exhorted the Jordanian authorities to intensify their efforts so that all disadvantaged persons would fully enjoy the right to education."

64. Paragraph 30, as amended, was adopted.

Paragraph 31

65. Ms. PINET (World Health Organization) pointed out that the last line of the paragraph should read "to the Jordanian delegation".

66. Paragraph 31, as amended, was adopted.

67. Mr. MARCHAN ROMERO said that he wished to make a general comment on paragraphs 29, 30 and 31 which might be borne in mind in drafting future reports, in order to structure the concluding observations more logically. Paragraph 29 dealt with the list of questions prepared by the pre-sessional working group, the first sentence in paragraph 30 referred to the responses by the Jordanian delegation to oral questions and the second sentence to the written report of the State party. Paragraph 31 reverted to the matter of the pre-sessional working group's list of questions. It would be better to refer to the information before the Committee in chronological order, namely the written report of the State party, answers to the pre-sessional working group's list of questions and, lastly, the answers to oral questions put by members of the Committee.

68. Mr. MRATCHKOV supported Mr. Marchan Romero's suggestion. The Committee's concluding observations should all be structured the same way, referring in turn to the three elements on which the Committee based its assessment of the situation in the country concerned.

69. Mr. ALSTON, Rapporteur, said that the point raised by Mr. Marchan Romero and Mr. Mratchkov was a valid one. He proposed that at its next session, the pre-sessional working group should be asked to formulate an appropriate guideline for drafting concluding observations in future reports. He suggested that, in order to save time, members of the Committee should submit in writing to the Secretariat or to himself any minor corrections to the report, such as typographical errors, etc.

70. Mr. WIMER ZAMBRANO suggested that a similar course should be adopted in respect of errors in the Spanish text.

71. Document E/C.12/1990/CRP.4/Add.3, as amended, was adopted.

E/C.12/1990/CRP.4/Add.4

Paragraphs 1-9

72. Paragraphs 1-9 were adopted.

Paragraph 10

73. Mrs. JIMENEZ BUTRAGUEÑO pointed out that in the last line of the paragraph in the Spanish text the correct term was not "discapacitadas" but "minusválidas".

74. Ms. PINET (World Health Organization) said that in WHO terminology, the expression used in English was "disabled persons".

75. Paragraph 10, as amended, was adopted.

Paragraph 11

76. Paragraph 11 was adopted.

Paragraph 12

77. Mrs. JIMENEZ BUTRAGUEÑO pointed out that, in the third sentence from the end of the paragraph, the same correction was required as in paragraph 10.

78. Paragraph 12, as amended, was adopted.

Paragraphs 13-16

79. Paragraphs 13-16 were adopted.

Paragraph 17

80. Mrs. JIMENEZ BUTRAGUEÑO pointed out that "salario social mínimo", used in the Spanish text, referred to an allowance paid to the unemployed; it was not the same as "minimum wage".

81. Mr. MRATCHKOV said that the term "social" in conjunction with "salaire minimum" had a precise meaning in recent French legislation: it related to the integration of the recipient into society.

82. Mr. TEXIER confirmed that there was a distinction between "salaire minimum", which related to wages for work, and "revenu minimum d'insertion", which was an allowance to unemployed persons whose right to social security benefits had been exhausted. The latter arrangement was a contribution towards implementing the concept behind article 11 of the Covenant that everyone had a right not to exist in a state of absolute poverty. Care must be taken to use the appropriate term: he believed that in paragraph 17, the reference was to a minimum wage.

83. Mr. ALSTON, Rapporteur, said that the Secretariat would consult the relevant summary record and make sure that the term used in paragraph 17 was the one used in the original record.

Paragraphs 18-23

84. Paragraphs 18-23 were adopted.

Paragraph 24

85. Mrs. JIMENEZ BUTRAGUEÑO said that at the end of the last sentence in the Spanish text the correct phrase was "la cuantía del salario".

86. Paragraph 24 was adopted.

Paragraphs 25-42

87. Paragraphs 25-42 were adopted.

Paragraph 43

88. Mr. ALVAREZ VITA said that his comment on the non-compliance of Luxembourg with article 2 of the Covenant, recorded in the relevant summary record (E/C.12/1990/SR.35, para. 43), had not been included in the paragraph. It related to an important issue and he had made a similar comment about another State party. It should therefore be reflected in the paragraph so as to ensure equality of treatment between States parties.

89. Mr. MARCHAN ROMERO said he had difficulty in reconciling the comment in paragraph 42 that the situation of economic, social and cultural rights in Luxembourg appeared to be generally satisfactory with the opening remark in paragraph 43 that the constitutional status of those rights was somewhat anomalous. The first sentence in paragraph 43 should either be deleted or reformulated. He noted that Mr. Alston had proposed that the pre-sessional working group should discuss the question of structuring the Committee's concluding observations. He suggested that at the same time the working group might recommend a set of terms to be used in assessing the reports of States parties. Some States did not care for the terms "good" or "bad"; perhaps "satisfactory" or "unsatisfactory" were more appropriate, but in any case terms conveying value judgements should not be used indiscriminately.

90. Mr. ALSTON, Rapporteur, said that the point made by Mr. Alvarez Vita would be reflected at the end of paragraph 43. He proposed that the first sentence of the paragraph should be amended to read: "However, the constitutional status of economic, social and cultural rights in Luxembourg gave rise to considerable debate".

91. Paragraph 43, as amended, was adopted.

92. Document E/C.12/1990/CRP.4/Add.4, as amended, was adopted.

The meeting rose at 1.10 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifth session

SUMMARY RECORD OF THE 50th MEETING IN 1990

Held at the Palais des Nations, Geneva,
on Friday, 14 December 1990, at 10 a.m.

Chairman: Mr. KOUZNETSOV

CONTENTS

Report of the Committee to the Economic and Social Council (continued)

Closure of the session

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REPORT OF THE COMMITTEE TO THE ECONOMIC AND SOCIAL COUNCIL (agenda item 10) (E/C.12/1990/CRP.4 and Add.1-11, E/C.12/1990/CRP.5 and Add.1-4) (continued)

1. The CHAIRMAN invited the Committee to continue its consideration of the draft report to the Economic and Social Council.

E/C.12/1990/CRP.4/Add.6

Paragraphs 1-5

2. Paragraphs 1-5 were adopted.

Paragraph 6

3. Mrs. JIMENEZ BUTRAGUEÑO said that she had a number of stylistic comments about the Spanish text of paragraph 6 and other paragraphs, which she would hand in writing to the Secretariat.

4. The CHAIRMAN said that Mrs. Jimenez Butragueño's amendments would be incorporated in the Spanish text.

5. Paragraph 6 was adopted.

Paragraphs 7-25

6. Paragraphs 7-25 were adopted.

Paragraph 26

7. Mr. MRATCHKOV pointed out that the section beginning with paragraph 26 was headed "Conclusions" instead of the usual phrase "Observations finales".

8. Mrs. JIMENEZ BUTRAGUEÑO said that she felt that the phrase "their great satisfaction" was an overstatement. She suggested the deletion of the word "great".

9. Paragraph 26, as amended, was adopted.

Paragraph 27

10. Mrs. JIMENEZ BUTRAGUEÑO proposed the deletion of the phrase "with satisfaction" in the second sentence of the paragraph.

11. Paragraph 27, as amended, was adopted.

Paragraph 28

12. Mr. NENEMAN pointed out that the second sentence of paragraph 28 was substantially the same as the second sentence of paragraph 29.

13. Mr. ALSTON, Rapporteur, proposed that the second sentence in paragraph 28 should be deleted and paragraphs 28 and 29 amalgamated.

14. Mr. TEXIER pointed out that the sentence in paragraph 28 to which Mr. Neneman had referred did not in fact appear also in paragraph 29 in the French text.

15. The CHAIRMAN said that the Secretariat would make the necessary amendments to harmonize the texts in all languages.

16. Paragraphs 28 and 29, as amended, were adopted.

Paragraph 30

17. Mrs. JIMENEZ BUTRAGUEÑO said that the Spanish text appeared to place the Constitution of Ecuador and the Covenant on exactly the same footing.

18. Mr. ALSTON, Rapporteur, suggested that the solution would be to adopt a phrase similar to the term "as well as" which was used in the English text.

19. Paragraph 30 was adopted.

20. Document E/C.12/1990/CRP.4/Add.6, as amended, was adopted.

E/C.12/1990/CRP.4/Add.7

Paragraphs 1-18

21. Paragraphs 1-18 were adopted.

Paragraph 19

22. Mr. ALVAREZ VITA said that reference should be made to what he had said about the inconsistency between article 8 of the Covenant and Costa Rican legislation, particularly taking into account the provisions of article 7 of the Costa Rican Constitution. The matter was not made altogether clear in the relevant summary record (E/C.12/1990/SR.40, para. 52). He had stated that the Covenant had been violated in respect of trade union rights.

23. Mr. ALSTON, Rapporteur, suggested that Mr. Alvarez Vita's point might be better dealt with in paragraph 35.

24. Paragraph 19 was adopted.

Paragraphs 20-34

25. Paragraphs 20-34 were adopted.

Paragraph 35

26. Mr. ALSTON, Rapporteur, referring to Mr. Alvarez Vita's remark concerning paragraph 19, proposed the following text for insertion in paragraph 35:

> "In addition, the view was expressed that the restrictions placed on the participation of foreigners in trade unions appeared not to be in conformity with article 8 of the Covenant."

27. Mr. ALVAREZ VITA said he accepted Mr. Alston's text subject to two amendments, namely that the phrase "appeared not to be" should be replaced by "were not" and that at the end of the sentence the phrase "and they were also not in conformity with article 7 of the Costa Rican Constitution" should be added.

28. Mr. ALSTON accepted Mr. Alvarez Vita's amendments. He had used the expression "appeared not to be in conformity" because of his personal feeling that the Committee should hesitate to pass judgement on the inconsistency of a national law with the provisions of the Covenant in the absence of a thorough study. However, it was clear from the summary record that the view in question had been expressed by one member of the Committee and that the Committee as a whole had not pursued the matter further in its discussion.

29. Mr. SIMMA said that he hesitated to concur with Mr. Alvarez Vita's view on the incompatibility between a provision of domestic law in Costa Rica and the Covenant, since the Committee had not debated the point sufficiently. It should be made clear that the view was not that of the Committee as a whole.

30. Mr. ALVAREZ VITA said that it was important for the Committee to be consistent. In previous reports it had pointed to inconsistencies between domestic law and international law. He was, however, confident that the Rapporteur would find an appropriate form of words.

31. Mr. ALSTON, Rapporteur, proposed that paragraph 35 should be divided into two sentences, with a full stop after "Covenant" in the fifth line. The word "and" should be deleted and the rest of the paragraph included as a separate sentence starting with the words "In particular, ...". A new paragraph should be inserted after paragraph 35, reading: "In addition, a view was expressed that restrictions placed on the participation of foreigners in trade unions were not in conformity with article 8 of the Covenant or article 7 of the Constitution of Costa Rica."

32. It was so decided.

33. Paragraph 35, as amended, was adopted.

Paragraph 36

34. In response to comments made by Mr. SIMMA and Mr. KONATE, Mr. ALSTON, Rapporteur, proposed that the first two lines of the paragraph should be amended to read: "With regard to the nature of comments which had been deemed too critical ...".

35. Paragraph 36, as amended, was adopted.

36. Document E/C.12/1990/CRP.4/Add.7, as amended, was adopted.

E/C.12/1990/CRP.4/Add.8

Paragraphs 1-14

37. Paragraphs 1-14 were adopted.

Paragraph 15

38. In response to a point raised by Mr. SIMMA, Mr. ALSTON, Rapporteur, said that the word "mentally" in the sixth line of the paragraph should read "inevitably".

39. Paragraph 15, as amended, was adopted.

Paragraph 16

40. Mrs. JIMENEZ BUTRAGUEÑO suggested that the second sentence of paragraph 16 should be made into a new paragraph 17, starting with the words "The hope was expressed ...".

41. It was so decided.

42. Paragraph 16, as amended, was adopted.

43. Document E/C.12/1990/CRP.4/Add.8, as amended, was adopted.

E/C.12/1990/CRP.4/Add.9

Paragraphs 1-8

44. Paragraphs 1-8 were adopted.

Paragraph 9

45. Mr. FOFANA, referring to the first sentence, said he would prefer the word "segments" to be replaced by "secteurs", and the phrase "sur base temporaire" to be replaced by "temporairement".

46. Paragraph 9, as amended, was adopted.

Paragraphs 10-17

47. Paragraphs 10-17 were adopted.

Paragraph 18

48. Mr. KONATE proposed that, in the first sentence, the phrase "résidaient dans le pays en représentation diplomatique" should be replaced by "était membre d'une représentation diplomatique".

49. Paragraph 18, as amended, was adopted.

Paragraphs 19-21

50. Paragraphs 19-21 were adopted.

Paragraph 22

51. Mr. SIMMA, noting that the Committee was working on the basis of the French text alone, the other language versions not being available, said it was a matter of some concern to him to see how the word "allégations" in the first sentence would be translated into English. He could not accept any rendering other than by the word "information".

52. Mr. TEXIER said that the word in French was not entirely appropriate either, and he would prefer the term "renseignements".

53. Paragraph 22 was adopted on that understanding.

Paragraphs 23-31

54. Paragraphs 23-31 were adopted.

Paragraph 32

55. Mr. ALSTON, Rapporteur, replying to a comment by Mr. KONATE, proposed that the paragraph should be expanded by wording to indicate that the Committee had emphasized the need to maintain a constructive dialogue and not to let extraneous matters interfere with the consideration of reports, and that a further statement had been provided by the representative of the Dominican Republic, reassuring the Committee of his desire to pursue the dialogue and to provide the information sought.

56. Paragraph 32, as amended, was adopted.

Paragraphs 33-37

57. Mr. TEXIER noted that the paragraphs conveyed the concluding observations which he himself had drafted, but that the wording differed from his original version. He requested the Secretariat to align the final version on his original text, which he would provide.

58. Mr. SIMMA, referring to the final sentence in paragraph 36, said that the word "allégations" should be replaced by "renseignements" in the French and rendered by "information" in the English, and that the word "pleinement" should be deleted.

59. Paragraphs 33-37, as amended, were adopted.

60. Document E/C.12/1990/CRP.4/Add.9, as amended, was adopted.

E/C.12/1990/CRP.4/Add.10

61. Document E/C.12/1990/CRP.4/Add.10 was adopted.

E/C.12/1990/CRP.4/Add.5

62. Mr. ALSTON, Rapporteur, said that in response to a specific request, the following paragraph should be added at the end of the section entitled "Discussion note":

> "The Committee also requested one of its members to provide it at its sixth session with a discussion note on the problems of the elderly as they relate to the realization of the rights recognized in the Covenant."

63. Document E/C.12/1990/CRP.4/Add.5, as amended, was adopted.

E/C.12/1990/CRP.4/Add.11

64. Mr. ALSTON, Rapporteur, said that an additional text would be included under paragraph 21 concerning the procedure to be followed in examining additional information.

65. Mr. NENEMAN thought that it might be useful to mention the date of the next session.

66. Mr. ALSTON, Rapporteur, said that a section entitled "Next session of the Committee" would be inserted in the document and mention the date of the next session.

67. Document E/C.12/1990/CRP.4/Add.11, as amended, was adopted.

Chapter III: Overview of the present working methods of the Committee

68. Mr. ALSTON, Rapporteur, introduced a revised version of chapter III of the report, entitled "Overview of the present working methods of the Committee". It was a purely descriptive statement of the procedures adopted by the Committee and was intended to make it easier to understand how the Committee worked. It was straightforward and should give rise to no difficulties.

69. The CHAIRMAN said that, if there was no objection, he would take it that the Committee agreed to adopt the whole of chapter III.

70. It was so decided.

E/C.12/1990/CRP.5

71. Document E/C.12/1990/CRP.5 was adopted.

E/C.12/1990/CRP.5/Add.1

72. Document E/C.12/1990/CRP.5/Add.1 was adopted.

E/C.12/1990/CRP.5/Add.2

73. Mr. SIMMA drew attention to a spelling mistake in the name of the representative of the Islamic Republic of Iran.

74. The CHAIRMAN said that the Secretariat would see to it that the correct spelling was inserted.

75. Document E/C.12/1990/CRP.5/Add.2 was adopted on that understanding.

E/C.12/1990/CRP.5/Add.3-4

76. Documents E/C.12/1990/CRP.5/Add.3-4 were adopted.

77. The report to the Economic and Social Council on the Committee's fifth session (E/C.12/1990/CRP.4 and Add.1-11, E/C.12/1990/CRP.5 and Add.1-4) as a whole, as amended, was adopted.

78. Mr. GLAIEL said that he wished the record to show that none of the documents comprising the report of the Committee to the Economic and Social Council had been in Arabic.

79. The CHAIRMAN said that the report would reflect that fact.

80. The CHAIRMAN, noting that the mandates of Ms. Taya, Mr. Badawi El Sheikh and Mr. Glaiel had come to an end, said that he wished, on behalf of the entire Committee, to thank them for their contribution which had deeply enriched the Committee's work.

81. Mr. ALSTON, Rapporteur, proposed the addition in the report of a paragraph, to read "The Committee wished to place on record its deep appreciation for the contribution made to its work by its three outgoing members, Ms. Taya, Mr. Badawi El Sheikh and Mr. Glaiel."

82. It was so decided.

CLOSURE OF THE SESSION

83. After an exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 12.55 p.m.